

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal No. 20-377
)	
PATRICK RIZZO,)	
)	
Defendant.)	

O R D E R

AND NOW, this 7th day of June, 2021, defendant Patrick Rizzo having entered a plea of guilty to Count 3 of the Indictment filed at Criminal No. 20-377, and in accordance with the Sentencing Reform Act of 1984, 18 U.S.C. § 3551, et seq. (1987) and the Sentencing Guidelines of the United States Sentencing Commission promulgated under that Act and the Sentencing Commission Act, 28 U.S.C. § 991, et seq. (1987),

IT IS HEREBY ORDERED that:

1. Not later than **August 16, 2021**, the United States Probation Office shall disclose the tentative Presentence Investigation Report to only the defendant, the defendant's attorney and the attorney for the government. If a party disputes facts or factors material to sentencing contained in the Presentence Report, or seeks the inclusion of additional facts or factors material to sentencing, that party shall have the obligation to pursue the administrative resolution of that matter through informal presentence conferences with opposing counsel and the United States Probation Office. The party seeking administrative resolution of such facts and factors shall do so within two weeks (fourteen (14) days) after the initial disclosure of the

tentative Presentence Report. No later than two weeks (fourteen (14) days) after the initial disclosure of the tentative Presentence Report, following any good faith efforts to resolve disputed, or include additional, material facts or factors described above, the United States Probation Office shall notify the attorneys for the government and the defendant of the matters that have, or have not, been administratively resolved. The Court expects counsel to fully comply with these procedures.

2. No later than **September 7, 2021**, pursuant to Fed. R. Crim. P. 32(g), the United States Probation Office shall disclose the Presentence Report to this Court, to the defendant, and to counsel for the defendant and for the government.

3. No later than **September 14, 2021**, the parties shall each file with the Court a pleading entitled "Position of [Defendant or Government as appropriate] With Respect to Sentencing Factors," pursuant to Fed. R. Crim. P. 32(g), § 6A1.2(b) of the U.S.S.G., and LCrR 32(c)(4).

4. A party may file a response to the opposing party's Position With Respect to Sentencing Factors by no later than **September 21, 2021**.

5. No later than **September 28, 2021**, the United States Probation Office shall serve this Court and counsel for the defendant and for the government the Presentence Report, together with an addendum setting forth any unresolved objections of counsel to the Presentence Report, together with the Probation Officer's comments thereon. The United States Probation Office shall certify that the Presentence Report, together with any revision thereof and any addendum thereto, have been disclosed to the defendant and to all counsel of record, and that the addendum fairly sets forth any remaining objections and responses.

6. This Court will issue to counsel for the defendant and for the government and to the Probation Office its tentative findings and rulings concerning disputed facts or factors on **October 5, 2021**.

7. This Court will strictly enforce Local Rule 32.1(c)(2) with respect to disclosure of any Presentence Report information.

8. No later than **October 12, 2021**, a party may file supplemental information or a memorandum with respect to sentencing of the defendant, and shall serve the same upon the United States Probation Office. If counsel for the defendant intends to submit letters to the Court for consideration at sentencing, said letters should be electronically filed by no later than **October 12, 2021**. Any letters which counsel deem as containing confidential material necessitating sealing by the Court require counsel to abide by Paragraph 8 of this Court's Electronic Case Filing Policies and Procedures ("Sealed Documents") as well as this Court's policy governing all sealed matters (Misc. No. 05-45 (See Exhibit B)). Opposing counsel may file a response to any supplemental information or memorandum no later than **October 19, 2021**.

9. Sentencing of defendant Patrick Rizzo will take place on **Tuesday, October 26, 2021 at 9:00 a.m.**

s/Robert J. Colville
United States District Judge

cc/ecf: Rebecca L. Silinski, Asst. U.S. Atty.

Jonathan A. Orie, Esquire

Patrick Rizzo (USM No. 21019-509) c/o Jonathan A. Orie, Esquire

Probation Office

Pretrial Services

U.S. Marshal